

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

HEADWATER RESEARCH LLC,

*Plaintiff,*

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

*Defendants.*

Civil Action No. 2:22-cv-00422-JRG-RSP

**JURY DEMANDED**

**UNOPPOSED MOTION FOR LEAVE TO AMEND COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a) and the Court's Model Docket Control Order, Plaintiff Headwater Research LLC ("Headwater") respectfully submits this unopposed motion for leave to amend its First Amended Complaint (ECF No. 9) against Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., ("Samsung") by filing its Second Amended Complaint to add infringement claims for U.S. Patent Nos. 9,143,976, 9,277,433, 9,609,544, and 10,237,773.

The Court should grant Headwater's motion because counsel for Headwater and Samsung have conferred extensively regarding Headwater's amendment, and Samsung consents to this amendment. Specifically, the parties have agreed that Headwater will dismiss without prejudice the complaint in *Headwater v. Samsung Electronics Co., Ltd., et al*, Civil Action No. 2:22-cv-00467-JRG-RSP involving U.S. Patent Nos. 9,143,976, 9,277,433, 9,609,544, and 10,237,773 in exchange for adding U.S. Patent Nos. 9,143,976, 9,277,433, 9,609,544, and 10,237,773 to the instant case and agreeing not to delay or extend the case schedule here based on this amendment.

Further, the parties agree and expect to obtain a case schedule from the Court based on the filing of the instant case. To that end, and to avoid any prejudice, the parties agreed that Headwater

would serve Patent Rule 3-1 and 3-2 infringement contentions for both the patents asserted in the First Amended Complaint as well as the patents the parties agree to add by amendment here in compliance with the deadlines set forth in the Court's Order setting a scheduling conference for this matter. ECF No. 12. Headwater has complied with this agreement and previously served Patent Rule 3-1 and 3-2 infringement contentions for the patents asserted in the First Amended Complaint and U.S. Patent Nos. 9,143,976, 9,277,433, 9,609,544, and 10,237,773 on February 28, 2023.<sup>1</sup> Samsung has also agreed to comply with Patent Rule 3-3 and 3-4 with regard to the patents asserted in the First Amended Complaint as well as the patents the parties agree to add by amendment here by the deadline in the Court's Order setting a scheduling conference for this matter. *Id.*

Moreover, no discovery has occurred in this case as of yet, a Docket Control Order has not yet been entered, and the amended claims of infringement relate to the same parties and same accused products. Additionally, no deadlines contemplated by the Court's Order setting a scheduling conference (ECF No. 12) in this case, nor any dates contemplated by the Court's Model Docket Control Order in this case are affected by this agreement and amendment.

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<sup>1</sup> Samsung reserves all rights to take issue with the sufficiency of Headwater's contentions under the rules, but does not dispute that Headwater did serve such contentions.

Date: March 13, 2023

/s/ Robert Christopher Bunt

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**ATTORNEYS FOR PLAINTIFF,  
Headwater Research LLC**

**CERTIFICATE OF SERVICE**

I certify that this document is being served upon counsel of record for Defendants on March 13, 2023, via ECF

/s/ Robert Christopher Bunt  
Robert Christopher Bunt

**CERTIFICATE OF CONFERENCE**

The parties met and conferred on February 27, 2023 in compliance with Local Rule CV-7(h). Samsung's counsel confirmed that it does not oppose this motion.

/s/ Robert Christopher Bunt  
Robert Christopher Bunt